

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.4820 of 2018

Order:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

The petitioners state that they are the absolute owners and possessors of different house plots situated in Pakabanda area, Khammam Urban (Mandal), Khammam District. They purchased the said plots under different sale deeds from one Mesa Satyanarayana and another. The original owners have vast extent of land and they divided their lands into plots after obtaining sanction of layout on 11.06.2001 from the Director of Town and Country Planning, Hyderabad. The petitioners 1, 2, 3 and 5 also obtained permission for construction of residential houses from Khammam Municipal Corporation by paying necessary fees. However, at the instance of the sixth respondent and others, when interference was made, the first petitioner filed O.S.Nos.400 and 404 of 2015 on the file of the learned Senior Civil Judge, Khammam against the sixth respondent and others and obtained interim injunction. The said proceedings are pending. The second petitioner filed O.S.No.354 of 2015 and the fifth petitioner filed O.S.No.402 of 2015. When the fourth respondent issued notice on 08.02.2018 proposing to conduct survey of the land situated in Survey Nos.51, 52, 57, 70 and 50, 53, 54 and 49 of Pakabanda village of Khammam District, the present Writ Petition is filed.

Learned counsel appearing for the petitioners apprehends that in the guise of conducting the survey the individual plots would be measured and the petitioners would be evicted from those plots.

Whereas, learned counsel appearing for the sixth respondent and others submits that there is an encroachment of the land belonging to the petitioners and the survey has been necessitated due to such encroachment.

It is not for the survey authorities to decide the right and title of the parties. They have to conduct survey as per the request made by the parties and in accordance with the provisions of the Survey and Boundaries Act. Since the impugned notice merely states that the land in the above survey numbers of Pakabanda village is going to be surveyed in order to demarcate, there cannot be any objection for the petitioners for such survey. Learned counsel for the petitioners also submits that the entire land is divided into plots and now survey numbers need not be demarcated. If that is so, it is open to the fourth respondent to conduct a survey of the land covered by the layout and submit his report to the concerned authority. While conducting the survey, he should keep in mind the circular instructions issued on 18.05.2010 by the Commissioner, Survey, Settlement and Land Records, Hyderabad.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 15.02.2018
Nsr